

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHAEL GULLINESE,

Petitioner,

V.

WARDEN STEVIE KNIGHT,

Respondent.

Civ. No. 22-7592 (RBK)

MEMORANDUM & ORDER

Petitioner, Michael Gullinese (“Petitioner” or “Gullinese”), is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On January 4, 2023, this Court summarily dismissed Petitioner’s habeas petition. (*See* ECF 2 & 3). Petitioner then filed a notice of appeal. (*See* ECF 4). Presently pending before this Court is Petitioner’s application to proceed *in forma pauepris* on appeal. (*See* ECF 5). The Clerk will be ordered to reopen this case so that Petitioners’ application can be analyzed.

Pursuant to Federal Rule of Appellate Procedure 24(a)(1), this Court may grant a petitioner *in forma pauperis* status on appeal only where the petitioner shows, in the detail required by Form 4 of the Appendix of Forms, that he is unable to pay or to give security for the fees and costs on appeals, and states the issues that he intends to present on appeal. Under Local Appellate Rule 24.1(c), however, in those cases where 28 U.S.C. § 1915(b) does not apply, such as in the habeas context, those prisoners seeking to appeal *in forma pauperis* must also file “an affidavit of poverty in the form prescribed by the Federal Rules of Appellate Procedure accompanied by a certified statement of the prison account statement(s) (or institutional equivalent) for the 6 month period preceding the filing of the notice of appeal.” 3d Cir. L. App. R. 24.1(c). While Petitioner included a prisoner account statement to his application, it is not a

certified copy of his prisoner account statement. Thus, Petitioner's application to proceed *in forma pauperis* on appeal will be denied without prejudice.

Accordingly, IT IS on this 6th day of February 2023,

ORDERED that the Clerk shall reopen this case so that Petitioner's application to proceed *in forma pauperis* on appeal (ECF 5) can be analyzed; and it is further

ORDERED that Petitioner's application to proceed *in forma pauperis* on appeal (ECF 5) is denied without prejudice; and it is further

ORDERED that the Clerk shall serve this memorandum and order on Petitioner by regular U.S. Mail; and it is further

ORDERED that the Clerk shall reclose this case.

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge